



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

February 22, 2021

Honorable William E. Smith
United States District Court
District of Rhode Island
One Exchange Terrace
Federal Building and Courthouse
Providence, RI 02903

John Deaton et al. v. U.S. Securities and Exchange Commission et al., Case No. 1:21-cv-00001-WES-PAS

Dear Judge Smith:

Our office is in receipt of Petitioner John Deaton's February 12, 2021 letter inquiring about the status of Case No. 1:21-cv-00001-WES-PAS. *See* Attachment 1. Under the Federal Rules of Civil Procedure, the United States and its agencies, officers, and employees have 60 days after service on the U.S. Attorney's Office by which to submit a responsive pleading. *See* Rule 12(a)(2), Fed. R. Civ. P. Because Petitioners served the U.S. Attorney's Office on January 7, 2021, Respondents, the U.S. Securities and Exchange Commission and Commissioner Elad Roisman, must file a responsive pleading or dispositive motion by March 8, 2021. *See id.*; Rule 12(b), Fed. R. Civ. P. Respondents respectfully submit that the January 28, 2021 deadline referenced in Mr. Deaton's letter was calculated using the general rule for defendants other than the United States, and is therefore inapplicable to this case.

Please let me know if I can provide any additional information regarding this matter.
Thank you.

Sincerely,

/s/ Christina Cotter

Christina Cotter, IL Bar No. 6301562
Senior Trial Counsel
Office of the General Counsel
U.S. Securities and Exchange Commission
100 F Street NW
Washington, D.C. 20549
(202) 551-7676
cotterc@sec.gov

Attachment:

Petitioner John Deaton's February 12, 2021 Letter